

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CRIMINAL NO. 25-7 (DSD/DJF)

United States of America,

Plaintiff,

v.

ORDER

Justin Anthony Kudla,

Defendant.

This matter is before the court upon the objection by defendant Justin Anthony Kudla to the May 20, 2025, report and recommendation of Magistrate Judge Dulce J. Foster (R&R). In her report, the magistrate judge recommends granting in part defendant's motion to suppress statements. Defendant timely objected to the R&R.

The facts underlying this matter are not in dispute and will not be repeated here. The R&R concludes that statements made by Kudla at his home were not made in a custodial setting and thus not excludable under Miranda v. Arizona, 384 U.S. 436, 444 (1966). In doing so, the magistrate judge carefully and thoroughly analyzed the factors set forth in United States v. Griffin, 922 F.2d 1343, 1349 (8th Cir. 1990). Kudla contends that the magistrate judge erred in her assessment of those factors. The court disagrees, as the reasoning set forth in the R&R is sound.

The R&R also concludes that Kudla's statements after officers

administered a Miranda warning are admissible. Kudla does not object to this finding so it will stand without further analysis.

The R&R lastly recommends suppression of statements made by Kudla while at the police station and before he received the Miranda warning. Neither party objects to this recommendation.

Accordingly, having reviewed the R&R de novo, 28 U.S.C. § 636(b)(1)(C); Fed. R. Crim. P. 59(b); D. Minn. LR 72.2(b), the court finds that the magistrate judge was correct in its analysis and determination.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The R&R [ECF No. 48] is adopted in its entirety;
2. The objection to the R&R [ECF No. 53] is overruled;
3. The motion to suppress statements [ECF No 28] is granted in part as set forth in the R&R.

Dated: June 11, 2025

s/David S. Doty

Davis D. Doty, Judge
United States District Court